

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

This matter was filed on October 20, 2017. [ECF No. 1.] To date, Plaintiff has failed to provide proof of service showing that Defendant Ruth Ngoo (“Ngoo”) has been served with process in this matter.¹ Accordingly, Plaintiff is instructed to file with this Court, within seven (7) days from the date of this Order, proof of service on Ngoo *or* a summary of its efforts to serve Ngoo. Failure to do so may result in dismissal of this action against Ngoo without prejudice.

The clerk is directed to forward a copy of this Order to counsel of record.

Entered this 23rd day of January, 2018.

s/Jackson L. Kiser
SENIOR UNITED STATES DISTRICT JUDGE

¹ According to the Complaint, Defendant Ruth Ngoo is a resident of the United Kingdom. (Compl. ¶ 6 [ECF No. 1].) Rule 4(m) of the Federal Rules of Civil Procedure sets a 90-day time limit for service of process, but that time limit does not apply “to service in a foreign country” Over 90 days have elapsed since this action was commenced. If Ngoo was a resident of the United States, the court would be required to dismiss the action against her at this point. See Fed. R. Civ. P. 4(m).